

Because Plaintiff seeks to seal Defendants' information, Defendants shall file a letter by **February 4, 2022**, providing the basis for sealing its information in accordance with the three-part test in *Lugosch*. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

Dated: January 31, 2022
New York, New York

VIA ECF

January 28, 2022

United States District Court
Southern District of New York
Attn: Hon. Lorna G. Schofield, U.S.D.J.
40 Foley Square, Courtroom 1106
New York, NY 10007-1312

Re: Edelman v. NYU Langone Health System, et al.
Case No.: 1:21-cv-502 (LGS) (GWG)
MLLG File No.: 209-2020

Dear Judge Schofield:

This firm represents the Plaintiff Dr. Sari Edelman (hereinafter “Plaintiff” or “Dr. Edelman”) in the above-referenced case. Plaintiff writes pursuant to Rule I(D) of this Court’s Individual Rules and Procedures for Civil Cases (the “Individual Rules”), this Court’s standing Order 19-mc-00583, and Section 6 of the ECF Rules & Instructions to respectfully request the sealing of Plaintiff’s letter response in opposition to Defendants’ letter motion for a pre-motion conference in anticipation of Defendants’ motion for summary judgment, which was electronically filed with the Court late yesterday evening bearing docket entry 99 (hereinafter the “Letter”).¹

Because Plaintiff inadvertently filed the letter containing information that Defendants have designated as confidential,² the parties jointly request that the Letter be sealed and that Plaintiff be permitted to file an appropriately redacted letter and simultaneously file the unredacted letter under seal pursuant to the Stipulated Confidentiality Order.

¹ Plaintiff inadvertently filed the letter containing items designated “confidential” by Defendants pursuant to the Stipulated Confidentiality Order. See Docket Entry 45. Defendants contacted the ECF Help Desk this morning requesting that the docketed letter be removed, and demanded that Plaintiff request the same direct from the ECF Help Desk. Plaintiff apologized for the inadvertent submission and complied with Defendants’ request. At 9:28 AM, the ECF Help Desk confirmed that the letter has been placed under temporary seal and that a formal application for sealing be made. This joint request follows.

² Plaintiff reserves all rights thereunder, including challenging the designation pursuant to ¶ 9 of the Stipulated Confidentiality Order. See Docket Entry 45. In addition, it is worth noting that the Court retains discretion as to whether to afford confidential treatment to redacted information in Orders and Opinions. *Id.* at 10. Defendants, likewise, reserve their rights with regard to Plaintiff’s ECF filing containing confidential salary and wRVU information of NYU employees including, but not limited to, an NYU Medical Director and Clinical Director.

Hon. Lorna G. Schofield, U.S.D.J.

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For the foregoing reasons, and any arguments in support by Defendants made pursuant to Rule I(D)(3), the Letter should be permitted to be filed under seal.

The parties and attorneys of record who should have access to the sealed documents are: (i) Plaintiff Sari Edelman; (ii) Defendant Andrew Rubin; (iii) Defendant Joshua Swirnow; (iv) Defendant Joseph Antonik; (v) Defendant David Kaplan; (vi) a designated representative of each of the corporate Defendants; (vii) Emanuel Kataev, Esq.; (viii) Joseph M. Labuda, Esq.; (ix) Richard L. Steer, Esq.; (x) Tara Toevs Carolan, Esq.; and (xi) Ingrid J. Cardona, Esq.

Plaintiff thanks this honorable Court for its time and attention to this case.

Dated: Lake Success, New York
January 28, 2022

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

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cc: Defendants (via ECF).